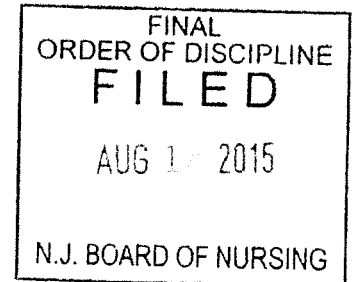


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STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF NURSING

|                                 |   |   |
|---------------------------------|---|---|
| IN THE MATTER OF THE LICENSE OF | : | Administrative Action                                 |
|                                 | : |   |
|                                 | : | <input checked="" type="checkbox"/> PROVISIONAL ORDER |
| ALLAN E. VILLARICA, RN          | : | OF DISCIPLINE   |
| License # 26NR13528200          | : |   |
|                                 | : | <input checked="" type="checkbox"/> FINAL ORDER       |
|                                 | : | OF DISCIPLINE   |
|                                 | : | (Finalized by default                                 |
| TO PRACTICE NURSING IN THE      | : | on <u>August 14, 2015</u> )                           |
| STATE OF NEW JERSEY             | : |   |

This matter was opened to the New Jersey State Board of Nursing ("Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Allan E. Villarica ("Respondent") is a Registered Professional Nurse in the State of New Jersey and has been a licensee at all times relevant hereto. (Exhibit A).

2. Upon receipt of information indicating that Respondent was arrested on December 10, 2013 by the Elizabeth Police for violation of N.J.S.A. 2C:12-1B(1) (Aggravated Assault), N.J.S.A. 2C:12-1B(3) (Aggravated Assault With A Weapon), N.J.S.A. 2C:39-4(D) (Possession Of A Weapon Unlawful Purpose), and N.J.S.A. 2C:39-5, (Unlawful Possession Of A Weapon), the Board sent Respondent a letter of inquiry requesting information and documentation of the criminal matter, Respondent's nursing practice, and his continuing education. (Exhibit B).

3. Respondent fully responded to the Board request for information and included a copy of the Union County Superior Court "Change of Judgment of Conviction & Order for Commitment Amended as to Mitigating and Aggravating Factors" filed on June 3, 2014 documenting that Respondent had negotiated a plea deal and was convicted of one count of Aggravated Assault with Bodily Injury in the Third Degree. Respondent was given credit for two days in jail, and sentenced to one year of probation, fined one hundred and fifty-five dollars (\$155), and ordered to pay restitution for medical expenses and to have no contact with the victim. (Exhibit C).

4. Respondent provided a narrative of the incident. Respondent lived with his girlfriend. His girlfriend was being pursued by another man. The other man had assaulted and threatened Respondent in the past and Respondent had filed police charges against the other man on three prior occasions. On the date of the incident, the other man tried to run down Respondent with his car. Respondent saw his girlfriend in the car struggling with the other man. An altercation ensued and Respondent stabbed the man and cut his girlfriend while she was trying to stop the assault. The girlfriend left the scene with Respondent. The other man was taken to the hospital and underwent surgery. Upon release from the hospital, the other man went to the home of Respondent and his girlfriend, but Respondent ran away to avoid harm. (Exhibit D).

#### CONCLUSIONS OF LAW

By stabbing another person and being convicted of Aggravated Assault with Bodily Injury in the Third Degree, Respondent has been convicted of, and engaged in acts constituting, a crime which relates adversely to the practice of nursing and subjects Respondent to discipline pursuant to N.J.S.A. 45:1-21(f).

Furthermore, the nature of Respondent's actions on the night in question raise sufficient concern such that testing,

monitoring, evaluation, and treatment are warranted, as a condition for continued or reinstated licensure, to evaluate whether Respondent's continued practice as a nurse may jeopardize the safety and welfare of the public pursuant to N.J.S.A. 45:1-22(f) and to ensure that Respondent can properly discharge nursing functions pursuant to N.J.S.A. 45:1-22(e).

ACCORDINGLY, IT IS on this 4<sup>th</sup> day of June, 2015, ORDERED that: Upon the filing of a FINAL ORDER of Discipline in this matter:

1. Respondent's Registered Professional Nursing license is suspended for a minimum period of five (5) years for violation of N.J.S.A. 45:1-21(f).

2. Prior to any application for reinstatement Respondent is required to complete a comprehensive mental health evaluation under the auspices of the Board's designated intervention program, the Recovery And Monitoring Program (RAMP), and demonstrate that he is fit and competent to practice nursing, that he is in full compliance with any agreement with RAMP, and that RAMP supports his return to practice.

3. By undergoing evaluation, Respondent expressly waives any claim of privilege or confidentiality that he may have concerning RAMP reports and disclosures to the Board, and use by the Board of that information in any proceedings.

4. All costs associated with the evaluation, monitoring, and/or treatment outlined above shall be the responsibility of, and paid directly by, Respondent.

5. Respondent shall refrain from practicing as a nurse and shall not represent himself as a Registered Professional Nurse until such time as his license is reinstated. Any practice in this State prior to reinstatement shall constitute grounds for a charge of unlicensed practice.

6. The within order shall be subject to finalization by the Board at 5:00 p.m. on the 30<sup>th</sup> day following entry hereof unless Respondent requests a modification or dismissal of the above stated Findings of Fact or Conclusions of Law by:

a) Submitting a written request for modification or dismissal to George Hebert, Executive Director, State Board of Nursing, 124 Halsey Street, Sixth Floor, P.O. Box 45010, Newark, New Jersey 07101.

b) Setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed.

c) Submitting any and all documents or other written evidence supporting Respondent's request for consideration and reasons therefor or offered in mitigation of penalty.

7. Any submissions will be reviewed by the Board and the Board will thereafter determine whether further proceedings are necessary. If no material discrepancies are raised through a supplemental submission during the thirty-day period, or if the Board is not persuaded that the submitted materials merit further consideration, a **Final Order of Discipline** will be entered.

8. In the event that Respondent's submissions establish a need for further proceedings, including, but not limited to an evidentiary hearing, Respondent shall be notified with regard thereto. In the event that an evidentiary hearing is ordered, the preliminary findings of fact and conclusions of law contained herein may serve as notice of the factual and legal allegations in such proceeding. Further, in the event a hearing is held and upon review of the record, the Board shall not be limited to the findings, conclusions and sanctions stated herein.

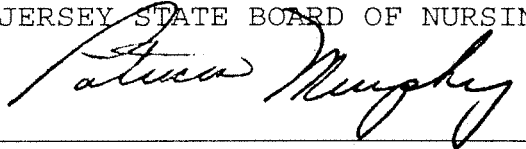
9. In the event that the Board receives no written submission from Respondent within 30 days following filing of this Provisional Order of Discipline, without further Board review, the Provisional Order of Discipline shall automatically become the Final Order of Discipline. The box for Final Order of Discipline shall be checked, the Final Order of Discipline

shall be filed, and copies shall be mailed to Respondent. Thereafter, Respondent's failure to comply with any sanction or penalty imposed by this Order shall be considered a violation of a Board Order in contravention of N.J.S.A. 45:1-21 (e) and (h) and N.J.A.C. 13:45C-1.4 and may subject Respondent to additional sanction and/or penalty.

10. The Board reserves the right to initiate disciplinary proceedings based upon the results of the RAMP evaluation and to impose restrictions on Respondent's license at the time of reinstatement.

NEW JERSEY STATE BOARD OF NURSING

By:

  
\_\_\_\_\_  
Patricia Murphy, PhD, APN  
President